

Congress of the United States
Washington, DC 20515

December 15th, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to obtain clarification on a proposed aquifer exemption in Goliad County, Texas. As you know in July EPA Region 6 found an application for an aquifer exemption in Goliad County to be insufficient because, according to the EPA, the applicant failed to demonstrate that wells outside the exemption area would not draw on the exempted portion of the aquifer.

We can all agree the safety of our drinking water is vitally important, and we fully support the EPA's mission in creating regulations to achieve this goal. We also believe it is important that the regulations be consistently applied.


As we understand it, EPA guidance (Guidance 34) states that to receive an aquifer exemption a project must meet two criterion: (1) the exempted area does not currently serve as a source of drinking water and (2) it cannot now and will not in the future serve as a source of drinking water because of the presence of minerals or hydrocarbons expected to be commercially producible. To meet the first criteria, EPA Guidance 34 requires an applicant to perform a water well survey covering the exempted area and a buffer of one-quarter mile from the exempted area's boundary.

It is also our understanding that EPA Region 6 has previously granted more than 30 aquifer exemptions in Texas using this standard; however, in July EPA Region 6 declared the aquifer exemption in Goliad County to be insufficient because the applicant failed to demonstrate that wells outside the exemption area would not draw on the exempted portion of the aquifer.


If, as has been reported, the EPA is considering revising its policy for approving aquifer exemptions we would hope that EPA regions would follow the current guidance, which is what other regions are doing. For these reasons we are asking for clarification on the current procedures for aquifer exemptions as well as any potential revisions in your policy to grant such exemptions.


Sincerely,



Rubén Hinojosa
Member of Congress


Ralph Hall
Member of Congress

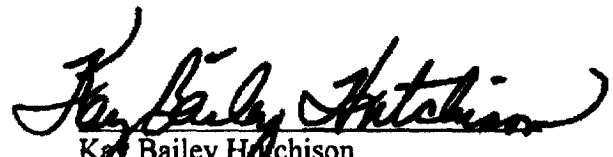

Joe Barton
Member of Congress

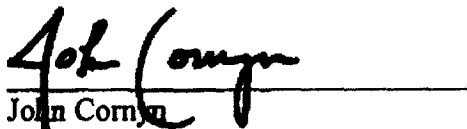

Gene Green
Member of Congress


Charlie Gonzalez
Member of Congress


Henry Cuellar
Member of Congress


Blake Farenthold
Member of Congress


Kay Bailey Hutchison
U.S. Senator


John Cornyn
U.S. Senator